

Georgia and the Cherokees.

Several of the broad columns of the National Intelligencer of Saturday are occupied with the opinion of the Supreme Court, delivered by Chief Justice Marshall, in the case of Samuel A. Worcester and the state of Georgia. We cannot find space for the opinion entire, but publish the following extracts:

This case, in every point of view in which it can be placed, is of the deepest interest.

The defendant is a State, a member of the Union, which has exercised the powers of government over a people who deny its jurisdiction, and are under the protection of the United States.

The plaintiff is a citizen of the State of Vermont, condemned to hard labour for four years in the penitentiary of Georgia, under colour of an act which he alleges to be repugnant to the constitution, laws, and treaties of the United States.

The legislative power of a State, the controlling power of the constitution and laws of the United States, the rights, if they have any, the political existence of a once numerous and powerful people, the personal liberty of a citizen, are all involved in the subject now to be considered.

It behooves this court, in every case, more especially in this, to examine into its jurisdiction with scrutinizing eyes, before it proceeds to the exercise of a power which is controverted.

The first step in the performance of this duty is the inquiry whether the record is properly before the court.

Certified by the clerk of the court, and pronounced the judgment of condemnation under which the plaintiff in error is imprisoned, and is also authenticated by the seal of the court. It is returned with, and annexed to a writ of error issued in regular form, the citation being signed by one of the Associate Justices of the Supreme Court, and served on the Governor and Attorney General of the state more than thirty days before the commencement of the term to which the writ of error was returnable.

The Judicial act, so far as it prescribes the mode of proceeding, appears to have been literally pursued.

In February, 1797, a rule was made on this subject, in the following words: "It is ordered by the court that the clerk of the court to which any writ of error shall be directed, may make return of the same by transmitting a true copy of this record, and of all proceedings in the same, under his hand and the seal of the court."

This has been done. But the signature of the Judge has not been added to that of the clerk. The law does not require it. The rule does not require it.

After entering into a long argument, showing that the case had been properly submitted to the Supreme Court, referring to and analysing the treaties existing between the United States and the Indians, quoting the constitution, &c. Judge Marshall concluded his opinion as follows:

The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress. The whole intercourse between the United States and this nation is, by our constitution and laws, vested in the government of the United States.

The act of the State of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity. Can this court revise and reverse it?

If the objection to the system of legislation lately adopted by the legislature of Georgia in relation to the Cherokee nation, was confined to its extra-territorial operation, the objection, though complete, so far as it respected mere right, would give this court no power over the subject. But it goes much further. If the review which has been taken be correct, and we think it is, the acts of Georgia are repugnant to the constitution, laws and treaties of the United States.

They interfere forcibly with the relation established between the United States and the Cherokee nation, the relation of which, according to the settled principles of our constitution, are committed exclusively to the government of the Union.

They are in direct hostility with treaties, repeated in a succession of years, which mark out the boundary that separates the Cherokee country from Georgia; guarantee to them all the land within their boundary; solemnly pledge the faith of the U. States to restrain their citizens from trespassing on it; and recognize the pre-existing power of the nation to govern itself.

They are in equal hostility with the acts of congress for regulating this intercourse and giving effect to the treaties.

The forcible seizure and abduction of the plaintiff in error, who was residing in the nation, with its permission and by authority of the President of the United States, is also a violation of the acts which authorize the Chief Magistrate to exercise this authority.

Will these powerful considerations avail the plaintiff in error? We think they will. He was seized and forcibly carried away while under the guardianship, of treaties guaranteeing the country in which he resided, and taking it under the protection of the United States. He was seized while performing, under the sanction of the Chief Magistrate of the Union, those duties which

had become his. He was apprehended, tried, and condemned, under colour of a law which has been shown to be repugnant to the constitution, laws, and treaties of the United States. Had a judgment, liable to the same objections, been rendered for property, none would question the jurisdiction of this court. It cannot be less clear when the judgment affects personal liberty and inflicts disgraceful punishment, if punishment could disgrace when inflicted on innocence. The plaintiff in error is not less entitled to the protection of the constitution, laws, and treaties, of his country.

It is the opinion of this court that the judgment of the Superior Court for the county of Gwinnett, in the State of Georgia, condemning Samuel A. Worcester to hard labour, in the penitentiary of the State of Georgia, for four years, was pronounced by that court under colour of a law which is void, as being repugnant to the constitution, laws, and treaties of the United States, and ought, therefore, to be reversed and annulled.

Various Matters.

We copy the following "sketch of the principal Villages through and near to which the Westminster branch of the Baltimore and Susquehanna Rail Road will pass," from the Frederick, Md. "Citizen."

WESTMINSTER.

In Frederick County, Maryland, 25 miles from Baltimore, is situated immediately on the lowest depression of the ridge that divides the waters of the Patapsco from those of Monocacy; in the bosom of a highly cultivated and fertile district, abounding in all the necessities of life, and settled by an industrious and intelligent population; having three turnpike, and a number of public roads, leading to it in various directions. It is built principally on one street, nearly a mile long; has a bank in a flourishing condition; good dwelling houses, stores, mechanics shops, and four spacious hotels, which are remarkably well kept by obliging landlords, whose charges are as moderate as can be desired. There is a brewery, four extensive tanneries, a large brick church for Christians of all denominations, and a Catholic chapel beautifully situated in a pleasant grove at the North West end. The water is remarkably pure, fine, and easily obtained. I am told there is a mineral spring near the town which has not been generally used, but is supposed to possess some valuable medicinal qualities. At this place will be established one of the most important and extensive depots in the country. There is no situation that will invite, with more inducements, the citizens of Baltimore to spend a few months or weeks from the heat and bustle of the town, than this—being a pleasant morning's ride on the cars, affording the most pleasant and reasonable accommodations, and enjoying, in the highest degree, the purest air, and every other salubrious accommodation required by the invalid, or those who seek pleasure in the pleasing retirement of a country town—affording a variety of social intercourse, and the advantages of a picturesque and highly cultivated and healthy country. From the heights surrounding it, you have a fine and extensive view of the Catoctin mountain, 20 miles distant, whose blue tops seemed intermixed with the cerulean sky, and presents objects of contemplation, beautiful and sublime. Notwithstanding the failure of the recent application to the legislature, Westminster must, before many years, become a county town, and the seat of an extensive and increasing commerce, as well as the centre of the carrying trade between Baltimore and the upper counties of Maryland, and Pennsylvania.

UNION-TOWN.

Seven miles above Westminster, is a small, neat village, with some good dwelling houses, stores and mechanics shops, and is remarkable for the simplicity and beauty of its appearance; a large brick church "overtops the neighboring hills," and spacious Methodist meeting house is situated at the lower end of the town. There is a finely cultivated surrounding country, and just above the village, which is built on a gently inclining plane, you have a view of the mountain scenery, equal to any you can imagine. The water is very pure, and the situation as healthy as can be desired. Near to this place the Rail Road will pass, and give it a rise which will extend its limits much farther than its present boundaries. There are a number of good roads leading to it from the neighboring villages, mills and factories.—Like Westminster, it will afford a delightful and desirable retreat to the Baltimoreans during the sultry months, and is only three miles distant from the New Windsor Sulphur Springs.

ELMITSBURG.

Fifty miles from Baltimore, through or very near to which the Rail Road, leading from the mouth of Double Pipe creek to Gettysburg, will pass, is pleasantly situated at the base of the Catoctin mountain where it forms a spur to the continuous range about two miles from the Pennsylvania line, and is built principally on one long street. It contains some good houses, three or four hotels, a variety of mechanics shops, and several well supplied and extensive stores. It is a very interesting and busy place, will be an important depot, and the surrounding country is beautifully picturesque. The mountain and vale scenery is equal to any in the State. Near to this place are situated Mt. St. Mary's Seminary, for the education of boys, which is probably one of the best conducted in the United States; and within half a mile, St. Joseph's Sisterhood, a female Seminary with extensive buildings, and a situation which invites the attention of all strangers. There are several places of worship for Christians

in the Presbyterian church, one mile from the town, there is one of the most interesting prospects to be found anywhere. — At one view you have before you the whole town, with its spires, Mount St. Mary's, St. Joseph's, the valley to the North equalling the far famed Keswick, and the lofty mountains leading into Pennsylvania as far as the eye can discern. It is a place much frequented by the parents and guardians of the students at the Seminaries, and enjoys a high degree of health. There is no place in the country where the beauties of mountain and champaign scenery are more delightfully blended, and where strangers may pass a few months or weeks with more pleasure.

MELANCHOLY ACCIDENT.

An accident occurred at the Black Lead Mine in Southampton township, on Saturday afternoon, the 31st inst. which occasioned the death of an individual employed in it. The circumstances, as related to us, are as follows:—On Saturday morning, Mr. Henry Fisher, the individual alluded to, after arriving at the mine, remarked to Mr. Crafts his employer, that he had a presentiment he would not live long, and that he would post up the books, which he accordingly did.— This occupied him until dinner time. After dinner he descended into the mine, and engaged in filling the buckets with the mineral, which are lifted to the surface by horse power. While the second bucket was raising, it caught in one of the slats that are affixed to the sides of the shaft for the purpose of individuals ascending and descending, which caused the rope to break, and the bucket, containing about three hundred weight of metal, was precipitated upwards of sixty feet upon Mr. Fisher, who was unguardedly standing under it. The shaft, from the level to the surface, is between ninety and a hundred feet deep, perpendicular. Mr. Craft, in his hurry to descend, clasped the rope with his hands and knees to slide down, which is frequently done, and not being aware of its shortness had a narrow escape. When about thirty feet down he suddenly reflected, and left the rope for the slats, when he discovered that in another moment, reflection would have come too late. About five feet lower down, the rope terminated, and he would probably have been precipitated into eternity! Upon raising the body of Mr. Fisher to the surface, it was found that the bucket had struck him on the right side of the head, and fractured the skull; the right shoulder blade was displaced, the ribs, hip bone, &c. broken, and protruding from the skin, and in other respects shockingly mangled. Mr. Fisher was a young man of estimable deportment and has left a widow and child to lament their afflictive bereavement. [Bucks County Republican.]

ANOTHER BLOW AT THE SLAVE TRADE.—Great Britain and France have concluded a treaty for "the more effectual suppression of the traffic in Slaves." It bears date at Paris, Nov. 30, 1831, and was negotiated by Lord Granville on the part of Great Britain, and Gen. Sebastiani, Secretary of Foreign Affairs, on the part of France.

Art. 1, gives the mutual right to search the merchant vessels of both nations in the following waters, viz: on the western coast of Africa, from Cape Verd to the 10th degree of south latitude, and as far off coast as the 30th degree west from the meridian of Paris—all round the islands of Madagascar, Cuba, and Porto Rico, and on the coast of Brazil, over a space of 20 leagues from shore, with the right of continuing pursuit of suspected vessels, beyond that limit, if necessary to overtake such vessels.

Art. 2. This right to be exercised only by ships of war, commanded by an officer of at least the rank of Lieutenant in the navy.

Arts. 3d and 4th. The number, names, and commanders of the ships of each nation, employed to make this search, shall be fixed for each year, and reciprocally made known, together with all changes that may occur; with the provision that the number of cruisers employed on one side for this purpose, shall not be at any time more than double the number on the other.

Art. 5. These cruisers on both sides to render mutual aid, and to be specially commissioned, and take instructions to be agreed upon by the two governments.

Art. 6. Before the commander of a cruiser proceeds to search a suspected vessel, he shall show his orders, and if he find the papers of the latter regular, and all things lawful, he shall certify on her log-book that the search took place only in virtue of orders, and let the vessel go.

Art. 7. Vessels captured to be delivered, with their crews, to the jurisdiction of the nation to which they belong, to be judged according to their own laws.

Art. 8. Vessels of war in no case to be searched, and the cruisers to be furnished with a special signal, not to be made known to any other ships.

Art. 9. Other maritime powers to be invited to join in this arrangement.

Art. 10. Provides for the ratification of the treaty.—[New York Whig.]

Great rise in the Susquehanna.—The Philadelphia Gazette of Saturday, says:—We learn from a gentleman who crossed this river two or three days since, that it has swelled to a height of nearly thirteen feet above its ordinary level, and was still rising. This is higher we believe, than that stream has arisen for thirteen or fourteen years.

CINCINNATI, March 13. VIOLENT STORM.—On Sunday it blew a heavy gale all day from the south, which on Sunday night increased almost to a hurricane, accompanied by torrents of rain, with thunder and lightning. A gentleman who was up at the time and observed its pro-

gress, informs us the heaviest part of it passed some distance from the city. The only injury we know of being sustained by it, is the blowing out of the gable end of Mr. Griffin's unfinished buildings at the corner of Pearl and Walnut streets, which fell upon the adjoining store, on Pearl street, and beat in the roof.—Advertiser.

SEDUCTION.—In the case of John L. Duryea vs. Francis Feitner, a verdict was rendered in the Circuit Court now sitting, a few days since, awarding to the Plaintiff \$690 damages. Another jury had previously given \$800 damages to the daughter of the plaintiff, in an action for a breach of promise. The present suit was for seduction.—[N. Y. Co.]

The Supreme Court of the United States finished its session on Saturday week last, and the Judges have gone to their respective Circuits, excepting Judge M'LEAN.

FACTS!—It is a fact that Wilson, the mail robber, who was pardoned by Gen. Jackson; and who was the greatest coward and villain that ever breathed—was a Mason!

It is a fact, that PORTER, who was NOT a Mason, and who was a brave and heroic man, was hanged—because he was an IRISHMAN, and NOT a Mason!!!

It is a fact that 7-Sths of all men in political power are Masons.

It is a fact that a friend met the editor of this paper during the winter of 1830-31, and asked him—"Simpson, are you a Mason?" "No—why do you ask?" "I am sorry to hear it," he replied, "because your NOMINATION WILL NOT BE CONFIRMED IN THE SENATE, unless you are a Mason." To this I laughed. He replied, "You may laugh, but I am sorry to say, your nomination will not be confirmed, if you are not a Mason!" It was not confirmed.—Pa. Whig.

We learn from the Bellefonte, Pa. Democrat that Mr. Mallit, the individual supposed to have been murdered in that vicinity a short time since, made his appearance last week, and after having made a solemn declaration that he had never, to the best of his knowledge and belief, BEEN MURDERED, the person imprisoned on suspicion of having committed the deed was immediately dismissed.—Bucknell's Reporter.

FOREIGN NEWS.

CHOLERA IN LONDON! Ten days later from England.

The packet ship Charlemagne, Captain Robinson, from Havre, has arrived at New York, having been obliged by stress of weather to put into Plymouth, England.—By Captain Robinson, the Evening Post has been favored with Plymouth papers to the 18th of February, inclusive, with London dates of the 16th.

The Cholera Morbus has at length reached the metropolis of the British empire.—It suddenly appeared in London on Saturday, the 12th of February. Ten cases and seven deaths were announced in the space of 24 hours. "Since that time," says the Devonport Telegraph, "there have been 6 additional cases, but no deaths, making in all 16 cases and 7 deaths in three days, out of a population of nearly a million and a half. Its progress, therefore, is anything but alarming, though the intelligence has, of course, greatly agitated the whole country."

The subject of the Cholera was brought up in the House of Commons on Monday, the 13th of February, the day after it made its appearance in London. Mr. Thompson in reply to Mr. Croker stated that cases of decided Cholera had certainly occurred, and that as the best way of preventing unnecessary alarm, the government had adopted every possible method to spread correct information on the subject, through the medium of the public journals, &c. Government, he said, were about to apply for a bill to increase the powers of the Privy Council, so as to enable them to take more effectual means for checking the progress of the distemper. The Chancellor of the Exchequer added that a series of papers illustrative of the character and progress of the Cholera would be shortly laid before Parliament.—The papers were afterwards, on Tuesday the 14th of February, laid before both Houses and ordered to be printed.

The disease in the meantime is spreading rapidly and committing great ravages in Scotland. The deaths are on a higher proportion to the cases than in England; they are also more numerous in proportion to the population. At Haddington, where the disease has prevailed with much severity, it is no longer confined to the poor, but several respectable individuals in easy circumstances have died of it; some after an illness of ten, twelve, or fifteen hours. It has broken out at Hadwick, on the border, "so that in the east end and centre of the country, says an English paper, it is now fairly established." The people of Edinburgh made early preparation for it. Before the disease appeared, there were three hospitals erected, capable of receiving 160 patients, with all the necessary attendants, and a fourth is in preparation. Stations for the distribution of medicine in convenient parts of the town were established, so that the medical attendant could be immediately supplied with what was necessary. Covered litters for the conveyance of patients were provided. The city was divided into districts, under the gratuitous care of 100 medical men, with a reserve of 40 or 50 to be directed to the first district attacked. The police arrangements were made most effective for the removal of vagrants, and the suppression of vagrancy—6 soup kitchens, issuing daily, 5,800 quarts of soup, and 6,500 rations of bread were put in immediate requisition.

On Thursday, the 9th of February, Lord Tenterden gave notice in the House of Lords, of his intention to bring in a bill for its object one simple uniform mode in commencement of all actions in Courts of Law. On the same day, a motion made by Mr. Courtenay, for the production of certain papers with respect to the conduct of Great Britain towards Portugal was called up.—Mr. Courtenay charged the government with being partial and unjust towards Portugal; that it had connived at the invasion of that country, and predicting that the consequence would be a general war. Sir J. Mackintosh opposed the motion and it was lost—majority for ministers, 135. In the House of Commons on Friday the 10th, the reform was taken up in committee and the clauses of the bill from 38 to 49, inclusive, as also the clauses 52, 53, and 54 were agreed to. On the 15th the Chancellor of the Exchequer announced that the financial year would hereafter begin on the first of April instead of January. This arrangement would prevent any money being voted by Parliament after a part of the expenditure had actually been incurred. Notice has been given to the House of Commons of a bill to abolish the privilege from arrest, enjoyed by Members of Parliament. The British ministry intend to bring forward a measure for abolishing tithes in Ireland. The Rev. George Crabbe, author of the Borough and other poems, died, after a short illness, on the 3d of February, in the 78th year, at the Rectory in Troubridge, where he had resided nearly eighteen years.

HOLLAND.

LONDON, Feb. 15.—Private letters from Holland state that such is the activity with which the armaments are carried on, that vessels not wanted as merchantmen are equipped as men-of-war.

PORTUGAL.

Don Pedro sailed from Bellefonte on the 10th of February for Terceira, and Reynha de Portugal, 54 guns, 100 men, accompanied by the Donna Maria, 20 guns, 44 guns, and 400 men, one Corvette, and two transports, having in all 1,500 troops on board. The rest of the squadron were to follow immediately. The vessels and troops are provided with six months provisions.—The land part of the expedition consists of the following:—8,000 of the expeditionary troops, well disciplined and well appointed, assembled at Terceira 2,500 men; recruited on the continent, and sent to Terceira by the ships fitted out for the expedition.—500 Portuguese volunteers.

PRUSSIA.

LONDON, Feb. 15.—There is a war party in Prussia, at the head of which is the present Prince Royal, an enthusiastic, and, as it is asserted an ignorant man, who is now influenced very much by his Dutch and Russian connections. Efforts are now said to be made to induce the old King to resign the reigns of government, and then, as the French expect, war will blaze all over Europe.

TURKEY.

LONDON, Feb. 12.—The Turkey mail has arrived, and the letters from Smyrna are dated 3rd ult. and from Constantinople it was known that the Viceroy of Egypt had persisted in his military operations against Syria, contrary to the wishes of the Porte, in consequence of which the Grand Seigneur was manifesting his fleet and organizing troops to send against the Viceroy.

The Courier and Enquirer says—The Reform Bill was still in the House of Commons. It had made some progress, and it was positively asserted would pass in about ten days; still, it is evidently materially altered. The Ministerial papers speak of it as deprived of some of its most efficient provisions; but add, it is better to take it in its present shape than none at all, and that a reformed House of Commons will have it in their power to amend it.

The agitation in Ireland had attained an alarming height; extraordinary measures had been resorted to by Government. The title system is clearly the root of the evil.

We extract the most important news in relation Belgium; the twenty-four articles are not yet ratified, although the French papers continue to assert that they speedily will be. At Paris all is tranquil, and the rise in the French funds is favorable symptom. The Austrian troops it is said are again about to evacuate Romagna. We should however doubt this fact: certain it seems to be that the French expedition is sent there solely for the purpose of restoring the authority of the Pope.

In the estimates for the navy presented by the British Ministry to Parliament, a reduction is made of one million sterling from the amount of those of the preceding year.—A strong indication we should think that the Government look forward to a continuance of general tranquility in Europe.

A letter from Lisbon positively states, that full reparation was about to be made by Don Miguel, for the losses inflicted by his cruisers on American commerce. The measures taken by our administration justify us in expecting this result. We give an interesting statement from Belleisle, which minutely portrays the state of Don Pedro's expedition.

The following is an extract of a letter from Lisbon, dated Feb. 15.—"The American ships captured by the Portuguese naval forces before Terceira are about to be restored. The Portuguese commander who ordered the capture is to be suspended for a year, and an indemnity of nearly 600,000*l.* is to be paid by the Portuguese treasury to the American merchants who may have suffered losses by the detention of the vessels."